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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,927	08/31/2000	Theodore W. Meyers		4367

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EXAMINER
LUGO, CARLOS

ART UNIT	PAPER NUMBER
3627	#12

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/652,927	MEYERS, THEODORE W.	
	Examiner	Art Unit	
	Carlos Lugo	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,13-24* is/are rejected.

7)☒ Claim(s) *11 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *7,11* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:
   - Element 66 (Page 19 Lines 7,19; Page 25 Line 23 and Page 26 Line 2) and element 68 (Page 21 Lines 15,16,22; Page 22 Lines 5,7) are not illustrated in the drawings submitted by the applicant. Correction is required.

Specification

2. The specification is objected to because of the following informalities:
   - In Page 15 Line 19, it should be "mating edges 42,44..." instead of "mating edges 24,44...".
   - In Page 16 Lines 3 and 6, it should be "the flat extensions 58" instead of "the elongated extensions 58".
   - In Page 20 Line 10 and in Page 21 Lines 10 and 19, it should be "the upper hub 30" instead of "the upper lid receiving end 30".
   - In Page 21 Line 13, it should be "the cap 26" instead of "the lid 26".

   Appropriate correction is required.
3. The specification is objected to because in Page 21 Lines 17 and 19 and in Page 25 Lines 24 and 26, applicant fails to point out what he is describing. Applicant is trying to point out a distance between two elements, but fails to point out the units (e.g. inches, feet, degrees, etc.). Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "than said diameter of the elongated main body portion" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said outer wall" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3,5,7-9,23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,633,943 to Ramm.

Regarding claims 1 and 23, Ramm discloses a tee divided in two mating halves (element 2). When they are connected, they form a main body (elements 6 and 4 at the bottom of each halve), defining a tubular opening. A cylindrical uppermost hub (above elements 4 and 6 at the top of each halve), coaxial with the main body and

having an inner diameter greater than the diameter of the main body. An inlet/outlet port (element 8) in communication with the tubular opening.

However, Ramm fails to teach that the main body is elongated. Ramm illustrates a normal tee. Applicant is reminded that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to extend the main body of the tee in order to have a one-embodiment tee instead of using another component for the same purpose.

As to claim 2, ram teaches that when the two mating halves are connected, they form a first and a second rib (element 14) extending longitudinally along the main body.

As to claim 3, Ramm illustrates that the tee comprises seams coextending with the first and the second ribs.

As to claim 5, Ramm discloses that the tee comprises at least one horizontal reinforcement rib (element 36) on the outer wall of the main body.

As to claims 7 and 24, Ramm discloses a tee having a generally first R-shaped mating halve (element 2 at the left) having a main body (element 6) that is generally U-shaped in cross section, a lowermost end (at the bottom of element 6) integral to the main body, a half ring shaped upper lid receiving end (above element 4), having a larger radius than the radius of the main body and a sweeping extension (arcing

between elements 4 and 8) that is integral with the main body and terminating at a half ring shaped inlet/outlet.

A first mating edge (element 14) runs along the lowermost end, the main body and the upper lid-receiving end. A second mating edge (element 28) runs along the lowermost end, the main body, an underside of the sweeping extension and a bottom of the half ring shaped inlet/outlet. And a third mating edge (element 22) runs along the upper lid-receiving end, the sweeping portion and the top of the half ring shaped inlet/outlet.

A generally second R-shaped mating halve (element 2 at the right) having a main body (element 4) that is generally U-shaped in cross section, a lowermost end (at the bottom of element 4) integral to the main body, a half ring shaped upper lid receiving end (above element 6), having a larger radius than the radius of the main body and a sweeping extension (arcing between elements 6 and 8) that is integral with the main body and terminating at a half ring shaped inlet/outlet.

A fourth mating edge (element 14) runs along the lowermost end, the main body and the upper lid-receiving end. A fifth mating edge (element 24) runs along the lowermost end, the main body, an underside of the sweeping extension and a bottom of the half ring shaped inlet/outlet. And a sixth mating edge (element 28) runs along the upper lid-receiving end, the sweeping portion and the top of the half ring shaped inlet/outlet.

As to claim 8, Ramm teaches that the tee comprises a first, second and a third groove (element 18) along the first, second and the third mating edge respectively.

A first, a second and a third tongue (element 16), projecting perpendicular to the fourth, fifth and sixth mating surface respectively, and being receiving in the first, second and third groove respectively.

As to claim 9, Ramm illustrates that the mating edges comprises a flat flange extending outwardly of each of the groove and tongue. It provides a bonding surface to reinforce securement of the two mating halves.

8. Claims 4,10,13-17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,633,943 to Ramm in view of U.S. Pat. No 6,136,190 to Zoeller et al (Zoeller) and U.S. Pat. No. 5,022,684 to Eagon.

Regarding claim 4, Ramm discloses the invention substantially as claimed. However, Ramm fails to teach that the inlet/outlet port includes an outlet opening and a sweep portion arcing upwardly from the elongated main body toward a ring defined by the outlet portion. The sweep portion defines an opening in communication with the tubular opening and the outlet opening. Ramm discloses everything except that the sweep portion arcing upwardly.

Zoeller discloses a tee comprising an elongated generally cylindrical main body (element 30) defining a tubular opening, a cylindrical uppermost hub (element 29) coaxial with the elongated main body and having an inner diameter greater than the diameter of the elongated main body and an inlet/outlet port (element 16) in communication with the elongated main body. The inlet/outlet port includes an outlet opening (element 26) and a sweep portion arcing upwardly from the elongated main

body toward a ring defined by the outlet portion. The sweep portion defines an opening in communication with the tubular opening and the outlet opening.

Applicant is reminded that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a sweep portion arcing upwardly in Ramm device, as taught by Zoeller, because it would only be a change in the shape. It would not make a change in the flow of a fluid through it.

As to claims 10 and 16, Zoeller teaches the use of the tee for combined with an effluent filter (elements 12 and 14) having a cylindrical profile and having a lid (element 70) received in the upper lid receiving ends.

As to claims 13,14 and 17, Zoeller illustrates that the inlet/outlet opening receives a pipe. However, Zoeller fails to teach that is a schedule 40 pipe. Applicant is reminded that a schedule 40 pipe is a common size of pipe.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use any pipe size available to be connected to the inlet/outlet opening.

As to claims 15 and 22, Ramm discloses the invention substantially as claimed. However, Ramm fails to teach that the wall thickness of the main body is between .075" to .1".

That kind of range in the wall thickness is standard for pipes. Applicant is reminded that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

As to claim 18, Ramm discloses the invention substantially as claimed. However, Ramm fails to disclose the use of a reducer bushing received on the inlet/outlet port.

Eagon teaches that is known in the art the use of a reducer (element 114) to connect two conduits of different diameters.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a reducer member in the inlet/outlet port of Ramm device, as taught by Eagon, in order to have a diversity of conduits with different diameters connected to the inlet/outlet port.

As to claim 19, Zoeller illustrates that the outlet opening of the inlet/outlet port is located along a length between the lowermost end and the uppermost hub, but near to the uppermost hub.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,633,943 to Ramm in view of U.S. Pat. No. 5,022,684 to Eagon.

Ramm discloses the invention substantially as claimed. However, Ramm fails to disclose the use of a reducer bushing received on the inlet/outlet port.

Eagon teaches that is known in the art the use of a reducer (element 114) to connect two conduits of different diameters.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a reducer member in the inlet/outlet port of

Ramm device, as taught by Eagon, in order to have a diversity of conduits with different diameters connected to the inlet/outlet port.

10. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,633,943 to Ramm and U.S. Pat. No. 6,136,190 to Zoeller et al (Zoeller) in view of U.S. Pat. No. 5,482,621 to Nurse.

Ramm as modified by Zoeller, discloses the invention substantially as claimed. However, Ramm as modified by Zoeller fails to teach that the lowermost end extends into a clear zone of a septic tank. In Zoeller device, a pipe is connected to the lowermost end of the main body and the pipe has an end that extends into a clear zone of a septic tank. In other words, Zoeller teaches two elements doing the same as a one embodiment, extends into a clear zone of a septic tank

Nurse teaches that the lowermost end (element 5) of a main body (element 3) extends into a clear zone of a septic tank (element 1).

Applicant is reminded that a One-piece construction, in place of separate elements fastened together, is a design consideration within the skill of the art. In re Kohno, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct a one-piece embodiment, instead of two embodiments, in Ramm as modified by Zoeller, as taught by Nurse, because it will not change the purpose of having and end extended to a septic tank.

Allowable Subject Matter

11. Claims 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent are cited to be added to the applicant list for further show the state of the art with respect to pipes connections and septic tanks:

- U.S. Pat. No. 1,052,198 to Wyre
- U.S. Pat. No. 2,898,945 to Backer
- U.S. Pat. No. 2,900,084 to Zabel
- U.S. Pat. No. 3,332,552 to Zabel
- U.S. Pat. No. 3,348,689 to Kraissl
- U.S. Pat. No. 3,904,228 to Maroschak
- U.S. Pat. No. 4,710,295 to Zabel
- U.S. Pat. No. 5,015,013 to Nadin
- U.S. Pat. No. 5,207,896 to Graves
- U.S. Pat. No. 5,277,459 to Braun et al
- U.S. Pat. No. 5,462,312 to Carpenter et al
- U.S. Pat. No. 5,482,621 to Nurse
- U.S. Pat. No. 5,580,453 to Nurse Jr.
- U.S. Pat. No. 5,593,584 to Nurse Jr.
- U.S. Pat. No. 5,683,577 to Nurse Jr.
- U.S. Pat. No. 5,762,790 to Zoeller
- U.S. Pat. No. 5,616,841 to Brookshire
- U.S. Pat. No. 4,798,404 to Iyanicki
- U.S. Pat. No. 5,105,843 to Condron et al
- U.S. Pat. No. 5,240,292 to Roszin
- U.S. Pat. No. 6,270,125 to Rowley et al

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-

305-9747, the fax number is (703)-308-3691 and the examiner email is the following: carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 8:00am to 5:00pm. If the examiner is not available, please leave a message, including the application number and the examiner will answer the message as soon as possible.

B. DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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November 19, 2001